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Washington, Tuesday, October 18, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3116

THANKSGIVING DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

The custom of devoting one day each year to national thanksgiving is a wise and an ancient one, hallowed by observance in the days before we became a Nation, and sanctioned throughout the succeeding generations. It is therefore in keeping with our oldest traditions that at the fruitful season of the waning year we turn again to Almighty God in grateful acknowledgment of His manifold blessings.

At this time of thanksgiving, may we express our deep appreciation of those forebears who, more than three centuries ago, celebrated the first Thanksgiving Day. Through their industry and courage, our Nation was hewn from the virgin forest, and through their steadfastness and faith, the ideals of liberty and justice have become our cherished inheritance.

May we lift up our hearts in special prayers of gratitude for the abundance of our endowments, both material and spiritual, for the preservation of our way of life, in its richness and fullness, and for the religious faith which has wielded such a beneficent influence upon our destiny. May we show our thanks for our own bounty by remembrance of those less fortunate, and may the spirit of this Thanksgiving season move us to share with them to alleviate their need.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, having in mind the joint Congressional resolution of December 26, 1941, which designated the fourth Thursday of November in each year as Thanksgiving Day and made that day a legal holiday, do hereby proclaim Thursday, the twenty-fourth day of November, 1955, as a day of national thanksgiving; and I urge all our citizens to observe the day with reverence. Let us, on the appointed day, in our homes and our accustomed places of worship, each according to his own faith, bow before God and give him humble thanks.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of October in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8451; Filed, Oct. 14, 1955;
1:11 p. m.]

LETTER OF OCTOBER 3, 1955

[PURSUANT TO PROCLAMATION CARRYING OUT PROTOCOL OF TERMS OF ACCESSION BY JAPAN TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES]

MEMORANDUM FOR THE SECRETARY OF
THE TREASURY

Denver, Colorado, October 3, 1955.

Reference is made to my proclamation of July 22, 1955¹ carrying out the Protocol of Terms of Accession by Japan to the General Agreement on Tariffs and Trade.

On September 5, 1955 Italy gave to the Executive Secretary to the Contracting Parties to the General Agreement the notification referred to in paragraph 3 of the Protocol for the accession of Japan, of intention to apply on October 5, 1955 concessions which it had negotiated initially with Japan. Accordingly, pursuant to the procedure described in Part I (b) (1) of the above-mentioned proclamation, I hereby notify you that both items 1531 in Part I of Schedule XX to the said Protocol shall not be withheld pursuant to paragraph 4 of the said Protocol on or after October 5, 1955.

DWIGHT D. EISENHOWER

[F. R. Doc. 55-8453; Filed, Oct. 14, 1955;
2:28 p. m.]

¹ Proc. 3105, 20 F. R. 5379.

CONTENTS THE PRESIDENT

Letter
Carrying out Protocol of Terms of Accession by Japan to General Agreement on Tariffs and Trade and for other purposes... 7801

Proclamation
Thanksgiving Day, 1955..... 7801

EXECUTIVE AGENCIES

Agricultural Marketing Service
Rules and regulations:
Grapefruit (Texas and States other than Florida, California, and Arizona); U. S. standards..... 7803
Raisins (California); Modification of U. S. standards..... 7808

Agriculture Department
See Agricultural Marketing Service; Commodity Stabilization Service.

Civil Aeronautics Board

Notices:
Hearings, etc.:
North Central Airlines, Inc., and Lake Central Airlines, Inc.; acquisition of control and interlocking directorate proceeding..... 7818
Permanent certification cases:
Allegheny Airlines, Inc..... 7817
Ozark Air Lines, Inc..... 7817
Piedmont Aviation, Inc..... 7817
Southern Airways, Inc..... 7817
Proposed rule making:
Preservation of accounts, records and memoranda..... 7816

Civil Service Commission

Rules and regulations:
Post Office Department; exceptions from competitive service..... 7803

Commodity Stabilization Service

Proposed rule making:
Sugar:
Marketing of sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States..... 7815



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CONTENTS—Continued

Commodity Stabilization Service—Continued	Page
Proposed rule making—Con.	
Sugar—Continued	
1956 quotas; hearing on proposed allotments:	
Domestic beet sugar area	7815
Mainland cane sugar area	7815
Rules and regulations:	
Cotton; proclamations relating to national marketing quotas and national acreage allotments for 1956 crop:	
Extra long staple cotton	7807
Upland cotton	7806

RULES AND REGULATIONS

CONTENTS—Continued

Defense Department	Page
Rules and regulations:	
Armed Services Procurement Regulations; miscellaneous amendments	7811
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Allegheny-Kiski Broadcasting Co. (WKPA)	7818
Evans, Elizabeth, and W. Courtney Evans (WSUX)	7820
Iredell Broadcasting Co. (WDBM)	7819
Northern Corporation (WMEX)	7819
Taylor Broadcasting Co. and Garden of the Gods Broadcasting Co.	7819
Rules and regulations:	
Frequency allocations and radio treaty matters; allocation of certain frequency bands to aeronautical mobile service	7813
Federal Power Commission	
Notices:	
Hearings, etc.:	
Atlantic Refining Co.	7821
California Electric Power Co.	7821
Cities Service Gas Co. et al.	7822
Culbertson, E. A., et al.	7820
Florida Power Corp.	7820
Humble Oil & Refining Co.	7821
Sacramento Municipal Utility District	7821
Texas Co. et al.	7821
Federal Trade Commission	
Rules and regulations:	
Cease and desist orders:	
Household Sewing Machine Co.	7809
North Shore Products Co., Inc., et al.	7809
Food and Drug Administration	
Proposed rule making:	
Hydrogen cyanide residues; petition for establishment of tolerances in or on raw agricultural commodities	7816
Health, Education, and Welfare Department	
See Food and Drug Administration; Old-Age and Survivors Insurance Bureau.	
Interior Department	
See Reclamation Bureau.	
Interstate Commerce Commission	
Rules and regulations:	
Maritime carriers, uniform system of accounts	7814
Old-Age and Survivors Insurance Bureau	
Rules and regulations:	
Federal old-age and survivors insurance (1950-); deduction overpayments; waiver of adjustment or recovery	7810
Panama Canal	
Rules and regulations:	
Inspection of vessels	7813

CONTENTS—Continued

Reclamation Bureau	Page
Notices:	
Missouri River Basin Project, Montana; first form reclamation withdrawal	7816
Sentinel and Colorado River Storage Projects, Arizona; revocation of certain orders	7817
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Interamerican Capital Corp.	7823
New England Electric System and Southern Berkshire Power & Electric Co.	7822
Social Security Administration	
See Old-Age and Survivors Insurance Bureau.	
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 3	Page
Chapter I (Proclamations):	
3105 (See Letter, Oct. 3, 1955)	7801
3116	7801
Chapter III (Presidential documents other than proclamations and Executive orders):	
Letter, Oct. 3, 1955	7801
Title 5	
Chapter I:	
Part 6	7803
Title 7	
Chapter I:	
Part 51	7803
Chapter VII:	
Part 722 (2 documents)	7806, 7807
Chapter VIII:	
Part 814 (proposed) (2 documents)	7815
Part 815 (proposed)	7815
Chapter IX:	
Part 989	7808
Title 14	
Chapter I:	
Part 249 (proposed)	7816
Title 16	
Chapter I:	
Part 13 (2 documents)	7809
Title 20	
Chapter III:	
Part 404	7810
Title 21	
Chapter I:	
Part 120 (proposed)	7816
Title 32	
Chapter I:	
Part 1	7811
Part 2	7811
Part 5	7812
Title 35	
Chapter I:	
Part 12	7813
Title 47	
Chapter I:	
Part 2	7813
Title 49	
Chapter I:	
Part 323	7814

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (1), (b) (1), (3), (4), and (c) (2) of § 6.109 are revoked, paragraph (b) (5) of § 6.109 is amended, paragraphs (a) (3) and (f) (2) of § 6.309 are amended, and paragraphs (a) (7), (8), (b) (5), (c) (6), (7), (d) (2), (e) (2), (f) (3), (4), and (g) (1), (2), and (3) of § 6.309 are added as set out below.

§ 6.109 *Post Office Department.* * * *
(b) *Office of the Postmaster General.* * * *

(5) Two Information Specialists.

§ 6.309 *Post Office Department—(a) Office of the Postmaster General.* * * *

(3) Four Special Assistants to the Postmaster General.

(7) Two Confidential Assistants to the Postmaster General.

(8) One Private Secretary to the Executive Assistant to the Postmaster General.

(b) *Bureau of Facilities.* * * *

(5) One Private Secretary to the Deputy Assistant Postmaster General.

(c) *Bureau of Transportation.* * * *

(6) One Confidential Assistant to the Assistant Postmaster General.

(7) One Private Secretary to the Assistant Postmaster General.

(d) *Bureau of Personnel.* * * *

(2) One Private Secretary to the Assistant Postmaster General.

(e) *Office of the Solicitor.* * * *

(2) One Private Secretary to the Solicitor.

(f) *Bureau of Post Office Operations.* * * *

(2) Two Special Assistants to the Assistant Postmaster General.

(3) One Staff Assistant to the Assistant Postmaster General.

(4) One Private Secretary to the Assistant Postmaster General.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General and Controller.

(2) One Special Representative to the Assistant Postmaster General and Controller.

(3) One Private Secretary to the Assistant Postmaster General and Controller.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8412; Filed, Oct. 17, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRAPEFRUIT (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA AND ARIZONA) ¹

On September 21, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7077) regarding a proposed revision of United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES	
Sec.	
51.620	U. S. Fancy.
51.621	U. S. No. 1.
51.622	U. S. No. 1 Bright.
51.623	U. S. No. 1 Bronze.
51.624	U. S. Combination.
51.625	U. S. No. 2.
51.626	U. S. No. 2 Russet.
51.627	U. S. No. 3.
UNCLASSIFIED	
51.628	Unclassified.
TOLERANCES	
51.629	Tolerances.
51.630	U. S. Fancy Grade.
51.631	U. S. No. 1 and U. S. No. 1 Bright Grades.
51.632	U. S. No. 1 Bronze Grade.
51.633	U. S. Combination Grade.
51.634	U. S. No. 2 Grade.
51.635	U. S. No. 2 Russet Grade.
51.636	U. S. No. 3 Grade.
APPLICATION OF TOLERANCES	
51.637	Application of tolerances.
STANDARD PACK	
51.638	Standard pack.
DEFINITIONS	
51.639	Similar varietal characteristics.
51.640	Well colored.
51.641	Firm.
51.642	Well formed.
51.643	Smooth texture.
51.644	Injury.
51.645	Discoloration.
51.646	Fairly well colored.
51.647	Fairly well formed.
51.648	Fairly smooth texture.
51.649	Damage.
51.650	Fairly firm.
51.651	Slightly misshapen.
51.652	Slightly rough texture.
51.653	Serious damage.
51.654	Slightly colored.

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.

51.655 Misshapen.
51.656 Slightly spongy.
51.657 Very serious damage.
51.658 Diameter.

AUTHORITY: §§ 51.620 to 51.658 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.620 *U. S. Fancy.* "U. S. Fancy" consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and free from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.630 and 51.637.)

§ 51.621 *U. S. No. 1.* "U. S. No. 1" consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, fairly well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.631 and 51.637.)

§ 51.622 *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See §§ 51.631 and 51.637.)

§ 51.623 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 10 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-half of their surface affected with discoloration. (See §§ 51.632 and 51.637.)

§ 51.624 *U. S. Combination Grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See §§ 51.633 and 51.637.)

§ 51.625 *U. S. No. 2.* "U. S. No. 2" consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or slightly rough, and which are free

from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) In this grade not more than two-thirds of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.634 and 51.637.)

§ 51.626 *U. S. No. 2 Russet*. The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected with discoloration. (See §§ 51.635 and 51.637.)

§ 51.627 *U. S. No. 3*. "U. S. No. 3" consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and free from decay, and free from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, or mechanical or other means.

(a) The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See §§ 51.636 and 51.637.)

UNCLASSIFIED

§ 51.628 *Unclassified*. "Unclassified" consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.629 *Tolerances*. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.630 to 51.636 are provided as specified.

§ 51.630 *U. S. Fancy Grade*. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.631 *U. S. No. 1 and U. S. No. 1 Bright Grades*. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the

grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.632 *U. S. No. 1 Bronze Grade*. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.633 *U. S. Combination Grade*. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.634 *U. S. No. 2 Grade*. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy

condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.635 *U. S. No. 2 Russet Grade*. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of two-thirds of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.636 *U. S. No. 3 Grade*. Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.637 *Application of tolerances*. (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the per-

centage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination, not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.638 *Standard pack*. (a) Fruits shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes, fruit shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in $1\frac{1}{2}$ bushel or $1\frac{1}{2}$ bushel nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a pack size 80 or smaller need only show a bulge of $1\frac{1}{2}$ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range of diameters given in the applicable one of the following tables 1 and 2 for the various pack sizes and size of boxes:

TABLE I— $1\frac{1}{2}$ BUSHEL BOX

[Diameter in inches]

Pack size	Minimum	Maximum
54's or 56's	$4\frac{1}{16}$	$4\frac{1}{2}$
64's	$3\frac{1}{16}$	$4\frac{1}{16}$
70's or 72's	$3\frac{1}{16}$	$4\frac{1}{16}$
80's	$3\frac{1}{16}$	$4\frac{1}{16}$
90's	$3\frac{1}{16}$	$3\frac{1}{16}$
112's or 113's	$3\frac{1}{16}$	$3\frac{1}{16}$
125's or 126's	3	$3\frac{1}{16}$

TABLE II— $1\frac{1}{2}$ bushel box

[Diameter in inches]

Pack size	Minimum	Maximum
30's	5	$5\frac{1}{16}$
45's or 46's	$4\frac{1}{16}$	$5\frac{1}{16}$
54's or 56's	$4\frac{1}{16}$	$4\frac{1}{16}$
64's	$4\frac{1}{16}$	$4\frac{1}{16}$
70's or 72's	$3\frac{1}{16}$	$4\frac{1}{16}$
80's	$3\frac{1}{16}$	$4\frac{1}{16}$
90's	$3\frac{1}{16}$	$4\frac{1}{16}$
112's or 113's	$3\frac{1}{16}$	4
125's or 126's	$3\frac{1}{16}$	$3\frac{1}{16}$

(e) "Uniform in size" means that for $1\frac{1}{2}$ bushel or $1\frac{1}{2}$ bushel boxes, not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) 64 size and smaller—not more than $\frac{1}{16}$ inch in diameter; and,

(2) 54 size and larger—not more than $\frac{1}{16}$ inch in diameter.

(f) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.639 *Similar varietal characteristics*. "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.640 *Well colored*. "Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.641 *Firm*. "Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.642 *Well formed*. "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.643 *Smooth texture*. "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.644 *Injury*. "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots when appreciably affecting the appearance of the individual fruit;

(b) Scale when more than a few adjacent to the "button" at stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.645 *Discoloration*. "Discoloration" means russetting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.646 *Fairly well colored*. "Fairly well colored" means that, except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.647 *Fairly well formed*. "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.648 *Fairly smooth texture*. "Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.649 *Damage*. "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots when the aggregate area exceeds the area of a circle 1 inch in diameter on a grapefruit $4\frac{1}{4}$ inches in diameter. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a grapefruit $4\frac{1}{4}$ inches in diameter;

(d) Scab when it cannot be classed as discoloration, or appreciably affects shape or texture;

(e) Scale when the appearance of the fruit is affected to a greater extent than that of a grapefruit $4\frac{1}{4}$ inches in diameter which has a blotch the area of a circle seven-eighths inch in diameter or a ring $1\frac{1}{8}$ inches in diameter;

(f) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a grapefruit $4\frac{1}{4}$ inches in diameter which has a very deep or very rough scar aggregating the area of a circle one-half inch in diameter;

(2) Scars when the appearance of the fruit is affected to a greater extent than that of a grapefruit $4\frac{1}{4}$ inches in diameter which has a deep or rough scar aggregating 1 inch in diameter;

(3) Scars which are slightly rough or of slight depth and aggregate more than 10 percent of the fruit surface; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the grapefruit to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(g) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard; and,

(h) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified in this section.

§ 51.650 *Fairly firm*. "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.651 *Slightly misshapen*. "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably

elongated or pointed or otherwise deformed.

§ 51.652 *Slightly rough texture.* "Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.653 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and aggregating more than the area of a circle three-fourths inch in diameter, or when light colored and aggregating more than the area of a circle 1½ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected;

(c) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle 1½ inches in diameter on a grapefruit 4¼ inches in diameter. Smaller sizes shall have lesser areas of green spots or oil spots, and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a grapefruit 4¼ inches in diameter;

(e) Scab when it cannot be classed as discoloration, or when materially affecting shape or texture;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a grapefruit 4¼ inches in diameter which has a blotch the area of a circle 1½ inches in diameter or a ring 1½ inches in diameter;

(g) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a grapefruit 4¼ inches in diameter which has a very deep or very rough scar aggregating the area of a circle 1 inch in diameter;

(2) Scars which are deep or rough and aggregate more than 5 percent of the fruit surface;

(3) Scars which are of slight depth or slightly rough and aggregate more than 15 percent of the fruit surface; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the grapefruit to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(h) Sprayburn which seriously affects the appearance of the fruit or is hard,

or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified in this section.

§ 51.654 *Slightly colored.* "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.655 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.656 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.657 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than the area of a circle 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(g) Scab when aggregating more than 25 percent of the surface of the fruit;

(h) Scale when covering more than 25 percent of the surface of the fruit;

(i) Sprayburn when seriously affecting more than one-third of the fruit surface;

(j) Sunburn when seriously affecting more than one-third of the fruit surface; and,

(k) Thorn punctures when not healed or the fruit is seriously weakened.

§ 51.658 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

The United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) contained in this subpart shall become effective 15 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) which have been in effect since August 20, 1954 (7 CFR 51.620-51.658).

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because packing of Texas grapefruit will begin the latter part of October and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances for preparation.

Dated: October 13, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 55-8438; Filed, Oct. 17, 1955;
8:53 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR THE 1956 CROP OF UPLAND COTTON

Sec.	
722.701	Basis and purpose.
722.702	Findings and determinations with respect to a national marketing quota for the 1956 crop of cotton.
722.703	Determination of a national acreage allotment for the 1956 crop of cotton.

AUTHORITY: § 722.701 to 722.703 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply Secs. 301, 341-348; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341-1348.

§ 722.701 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1955, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1956 crop of upland cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"). The term "upland cotton" (referred to herein as "cotton") and the data appearing in §§ 722.702 and 722.703 do not include extra long staple cotton described in section 347 (a) of the act or similar types of such cotton which are imported. Section 342 of the act provides, in part, that, whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year

beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed, the Secretary is required by section 344 (a) of the act to determine and proclaim a national acreage allotment for the crop of cotton to be produced in the next calendar year. The act further provides that the proclamation with respect to a national marketing quota shall be made not later than October 15 of the calendar year in which the determinations relating thereto are made.

(b) The terms "total supply", "carry-over", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(c) The findings and determinations made by the Secretary are contained in §§ 722.702 and 722.703 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (20 F. R. 6387) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of the notice, which was August 31, 1955. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.702 *Findings and determinations with respect to a national marketing quota for the 1956 crop of cotton*—
(a) *Total supply.* The total supply of cotton for the marketing year beginning August 1, 1955 (in the terms of running bales or the equivalent), is 24,403,162 bales, consisting of (1) a carry-over on August 1, 1955, of 10,633,262 bales, (2) estimated production from the 1955 crop of 13,719,900 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1955, of 50,000 bales.

(b) *Normal supply.* The normal supply of cotton for the marketing year

beginning August 1, 1955 (in terms of running bales or the equivalent), is 15,600,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1955, of 9,000,000 bales, (2) estimated exports during the marketing year beginning August 1, 1955, of 3,000,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 3,600,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of cotton for the marketing year beginning August 1, 1955, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1956. It is further determined and proclaimed that the amount of the national marketing quota for the 1956 crop of cotton shall be 10,000,000 bales (standard bales of 500 pounds gross weight). The amount of such quota has been determined under section 342 of the act which, in effect, provides that the 1956 quota shall be the larger of the following:

(1) The number of bales of cotton (standard bales of 500 pounds gross weight) adequate, together with (i) the estimated carry-over at the beginning of the 1956-57 marketing year and (ii) the estimated imports during the 1956-57 marketing year, to make available a normal supply of cotton. The number of bales of cotton determined under this provision is 3,828,731 bales.

(2) The number of bales of cotton (standard bales of 500 pounds gross weight) equal to the smaller of (i) 10,000,000 bales, or (ii) 1,000,000 bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending July 31, 1955. The number of bales of cotton determined under subdivision (ii) of this subparagraph would be 11,264,108 bales. Therefore, the smaller of subdivisions (i) and (ii) would be 10,000,000 bales.

§ 722.703 *Determination of national acreage allotment for the 1956 crop of cotton.* It is hereby further determined and proclaimed that a national acreage allotment shall be in effect for the crop of cotton produced in the calendar year 1956. The amount of such national acreage allotment shall be 17,391,304 acres. The amount of such national acreage allotment has been determined under section 344 (a) of the act, which provides that the national acreage allotment for cotton shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 14th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8458; Filed, Oct. 14, 1955; 2:51 p. m.]

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR THE 1956 CROP OF EXTRA LONG STAPLE COTTON

Sec.

722.1301 Basis and purpose.

722.1302 Findings and determinations with respect to a national marketing quota for the 1956 crop of extra long staple cotton.

722.1303 Determination of a national acreage allotment for the 1956 crop of extra long staple cotton.

AUTHORITY: §§ 722.1301 to 722.1303 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply Secs. 301, 341-348, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1341-1348.

§ 722.1301 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1955, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1956 crop of extra long staple cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act").

(b) The term "extra long staple cotton", as used in § 722.1302 (a) and (b), means the kinds of cotton described in section 347 (a) of the act, including all American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sealand cotton, and all imports of similar type cotton produced in Egypt and Peru. The term "extra long staple cotton", as used in §§ 722.1302 (c) and 722.1303, means the kinds of cotton described in section 347 (a) of the act. The term "carry-over" as used herein does not include the stocks of extra long staple cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act. Section 347 (c) of the act provides that, with certain exceptions, all provisions of the act shall, insofar as applicable, apply to marketing quotas and acreage allotments for extra long staple cotton.

(c) The terms "total supply", "carry-over", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(d) Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary of Agriculture determines that the total supply of extra long staple cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed under the act, the Secretary is also required to determine and proclaim a national acreage allotment for the crop to be produced in the next calendar year.

(e) The findings and determinations made by the Secretary are contained in §§ 722.1302 and 722.1303 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (20 F. R. 6388) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to examine the supply situation with respect to extra long staple cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of such notice, which was August 31, 1955. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.1302 *Findings and determinations with respect to a national marketing quota for the 1956 crop of extra long staple cotton*—(a) *Total supply.* The total supply of extra long staple cotton for the marketing year beginning August 1, 1955 (in terms of running bales or the equivalent), is 319,593 bales, consisting of (1) a carry-over on August 1, 1955, of 174,493 bales, (2) estimated production from the 1955 crop of 45,100 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1955, of 100,000 bales.

(b) *Normal supply.* The normal supply of extra long staple cotton for the marketing year beginning August 1, 1955 (in terms of running bales or the equivalent), is 149,500 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1955, of 110,000 bales, (2) estimated exports during the marketing year beginning August 1, 1955, of 5,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 34,500 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of extra long staple cotton for the marketing year beginning August 1, 1955, will exceed the normal supply of such cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of extra long staple cotton produced in the cal-

endar year 1956. It is further determined and proclaimed that the amount of the national marketing quota for the 1956 crop of extra long staple cotton shall be 35,300 bales of cotton (standard bales of 500 pounds gross weight). Under section 347 (b) of the act, the amount of the national marketing quota in terms of the quantity of cotton needed to make available a normal supply, taking into account the estimated carry-over on August 1, 1956, and the estimated imports during the 1956-57 marketing year, would be substantially smaller than 30,000 bales. However, section 347 (b) of the act also provides that the national marketing quota for the 1956 crop of extra long staple cotton shall not be less than the larger of 30,000 bales or the number of bales equal to 30 per centum of the estimated domestic consumption plus exports for the 1955-56 marketing year. Thirty per centum of the estimated domestic consumption plus exports for the 1955-56 marketing year is 35,300 bales of cotton (standard bales of 500 pounds gross weight).

§ 722.1303 *Determination of national acreage allotment for the 1956 crop of extra long staple cotton.* It is hereby determined and proclaimed that the national acreage allotment for the 1956 crop of extra long staple cotton shall be 45,305 acres. The amount of such national acreage allotment has been determined under section 344 (a) of the act, which provides that the national acreage allotment shall be that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota.

Done at Washington, D. C., this 14th day of October 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8459; Filed, Oct. 14, 1955; 2:51 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION RAISINS AND MINIMUM GRADE STANDARDS FOR PACKED RAISINS

Pursuant to the Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as

the "act," and upon the basis of information supplied by the Raisin Administrative Committee established under the order, and other available information, it is hereby found that to modify for the remainder of the current crop year the minimum grade and condition standards for natural condition raisins and the minimum grade standards for packed raisins as hereinafter provided will tend to effectuate the declared policy of the act.

The changes which will be effected by this document will be to remove, for the remainder of the current crop year, the existing requirements with respect to the maximum permissible moisture content of Layer Muscat raisins, both in regard to their natural condition form and in regard to their packed form. Experience indicates that such moisture requirements should be discontinued for such period because the existing maximum moisture restrictions appear to be inappropriate. It is contemplated that operations under such a relaxation will be studied with a view to determining whether the presently existing maximum moisture content restrictions on Layer Muscat raisins should again be effective for the next crop year and, if not, what, if any, moisture restrictions in that regard should be made effective. It is anticipated that, in the absence of putting other maximum moisture content restrictions on Layer Muscat raisins in effect as of September 1, 1956, the provisions in that regard, which are contained in the order will again be in effect as of that time.

To accomplish the aforementioned objectives, it is hereby ordered that effective as of the date of the publication of this document in the FEDERAL REGISTER and continuing until 12:00 midnight, P. M., August 31, 1956:

(1) Section 989.97 B 3 is amended so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no moisture content restrictions with respect to Layer Muscats)" and by changing subparagraph d of said section to read as follows:

d. Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

(2) The requirement set forth in § 989.59 (a) (2) (iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U. S. Grade B" as contained in "effective United States Standards for Grades of Processed Raisins" (now in 20 F. R. 5760) is, pursuant to the authority contained in § 989.59 (b) of the order, modified, insofar as operations under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847a (b) of said standards.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and postpone the effective date of this document later than the date of its pub-

lication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) because the existing maximum permissible moisture content of Laver Muscat raisins is unnecessarily restricting the marketing of such raisins; it is necessary that the restrictions be relaxed immediately so that normal marketing of such raisins may proceed; handlers require no time for preparation to comply with the changed regulation; and, in the circumstances, good cause exists for making the provisions of this document effective at the indicated time.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 14, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-8470; Filed, Oct. 17, 1955;
8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6154]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTH SHORE PRODUCTS COMPANY, INC.,
AND HARVEY GOULD

Subpart—Using, selling, or supplying lottery devices: Sec. 13.2475 Devices for lottery selling; § 13.2480 In merchandising. In connection with the offering for sale, sale, or distribution of watches, electric coffee sets, electric food mixers, electric power tools, wallets, or other merchandise in commerce: (1) Supplying to or placing in the hands of others push cards or other lottery devices, either with merchandise or separately, which said push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public; and (2) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, North Shore Products Company, Inc., et al., Skokie, Ill., Docket 6154, September 19, 1955]

In the Matter of North Shore Products Company, Inc., a Corporation, and Harvey Gould, an Individual

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, through furnishing lottery devices to operators and members of the public to be used in the sale of their merchandise; respondents' answer; hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, were received in support of the allegations of said

complaint; respondents, aside from cross-examination of the one witness heard in the proceeding, offering no testimony or other evidence in opposition; and proposed findings as to the facts and conclusions, oral argument not having been requested by either counsel.

Thereafter the proceeding came on for final consideration by said hearing examiner who, having duly considered the record, found that the proceeding was in the public interest, and made his initial decision, including findings as to the facts¹ and conclusions¹ drawn therefrom, and order to cease and desist.

Thereafter, following appeal from said hearing examiner's initial decision by respondents' counsel and the decision of the Commission denying said appeal for the reasons therein set forth, the matter was disposed of by the Commission's "Final Order", dated September 19, 1955, as follows:

The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having come on to be heard upon the record including the briefs of counsel, and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

The order in said initial decision, thus affirmed as the decision of the Commission, is as follows:

It is ordered, That respondents, North Shore Products Company, Inc., a corporation, and its officers, and respondent, Harvey Gould, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of watches, electric coffee sets, electric food mixers, electric power tools, wallets or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease from:

1. Supplying to or placing in the hands of others push cards or other lottery devices, either with merchandise or separately, which said push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

Issued: September 19, 1955.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55-8428; Filed, Oct. 17, 1955;
8:51 a. m.]

¹ Filed as part of original document.

[Docket 6148]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HOUSEHOLD SEWING MACHINE CO.

Subpart—Advertising falsely or misleadingly: § 13.70 Fictitious or misleading guarantees; § 13.155 Prices: Exaggerated as regular and customary; Product or quantity covered; Savings and discounts subsidized; § 13.200 Sample, offer or order conformance; § 13.235 Source or origin: Place: Imported products or parts as domestic. Subpart—Appropriating trade name or mark wrongfully: § 13.295 Appropriating trade name or mark wrongfully: Competitor; Product. Subpart—Misbranding or mislabeling: § 13.1325 Source or origin: Maker or seller, etc.; Place: Imported product or parts as domestic. Subpart—Misrepresenting oneself and goods: goods: § 13.1745 Source or origin: Maker or seller, etc.; Place: Imported product or parts as domestic; [Misrepresenting oneself and goods]—Prices: § 13.1795 Coverage or extras; § 13.1805 Exaggerated as regular and customary. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 Source or origin: Foreign product as domestic. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2060 Sample, offer or order conformance. Subpart—Passing off: § 13.2105 Passing off. Subpart—Using misleading name—Goods: § 13.2345 Source or origin: Maker; Place: Foreign product or parts as domestic; [Using misleading name]—Vendor: § 13.2385 Identity. In connection with the offering for sale, sale, or distribution of sewing machines, sewing machine heads, or other merchandise in commerce (the complaint having been dismissed with respect to issues other than those to which the order relates): (1) Offering for sale, selling, or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated; (2) representing, directly or by implication, that a specified amount is the value of merchandise being offered for sale when such amount is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory; (3) representing, directly or by implication, that any savings are afforded on the sale of merchandise represented as having a certain value, unless the represented savings are based upon the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory; (4) representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered; (5) representing, directly or by implication, that respondents' sewing machine heads or sewing machines are guaranteed for 20 years or for any period

of time, or that they are otherwise guaranteed, without clearly and conspicuously disclosing the existence of any material limitations upon the nature and extent of such guarantee or the manner of performance thereof, and the identity of the guarantor; (6) representing, directly or by implication, that the price of a sewing machine includes any attachments for which an additional charge is made; and (7) using the word "Home," or any simulation thereof, as a trade or brand name, or as a part of a trade or brand name, to designate, describe, or refer to respondents' sewing machines or sewing machine heads; or representing, through the use of any other word or words, or in any other manner, that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturer; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Barbara E. Martin et al. d. b. a. Household Sewing Machine Company, Washington, D. C., Docket 6148, September 16, 1955]

In the Matter of Barbara E. Martin, Herschel Martin and Dennis Martin, Copartners Doing Business as Household Sewing Machine Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with failing to properly disclose the country of origin on certain Japanese sewing machines sold by them, with improperly using American trade names on such machines, with engaging in what is commonly known as "bait advertising", and with engaging in certain other false and deceptive practices with respect to the prices of the sewing machines advertised by them, the nature of the guarantee covering such machines, and other terms and conditions of sale; respondents' answer in which they denied having engaged in certain of the illegal practices charged, and alleged that they had discontinued others prior to the issuance of the complaint in the matter; and hearings on various dates between March 30, 1954, and January 6, 1955, at which testimony and other evidence, duly recorded and filed in the office of the Commission, were offered in support of and in opposition to the allegations of the complaint.

At the close of the evidence in support of the complaint, counsel for respondents moved to dismiss the complaint for insufficiency of evidence, and, pursuant to leave granted, memoranda were filed in support of and in opposition to said motion, which was denied, except as to one allegation of the complaint, and at the close of all the evidence, counsel for respondents renewed their motion to dismiss, which was disposed of in accordance with the order as below set forth.

Thereafter, following the filing of proposed findings of fact¹ and conclusions² of law by counsel supporting the complaint, and also by counsel for respondents, together with a supporting memorandum and a motion for oral argument

upon their proposals which was denied in view of the fact that the issues were fully discussed in the proposed findings and supporting memorandum, and of the further fact that there were no novel or unusually complex issues involved in the proceeding, the examiner found that the proceeding was in the public interest and issued his order to cease and desist.

Thereafter, said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 22, 1955, became, on September 16, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That respondents Barbara E. Martin, Herschel Martin and Dennis Martin, individually and as copartners doing business as Household Sewing Machine Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines, sewing machine heads, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated.

2. Representing, directly or by implication, that a specified amount is the value of merchandise being offered for sale when such amount is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory.

3. Representing, directly or by implication, that any savings are afforded on the sale of merchandise represented as having a certain value, unless the represented savings are based upon the price at which said merchandise is regularly and customarily sold in the normal course of business in the same trade territory.

4. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

5. Representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed for 20 years or for any period of time, or that they are otherwise guaranteed, without clearly and conspicuously disclosing the existence of any material limitations upon the nature and extent of such guarantee or the manner of performance thereof, and the identity of the guarantor.

6. Representing, directly or by implication, that the price of a sewing machine includes any attachments for which an additional charge is made.

7. Using the word "Home," or any simulation thereof, as a trade or brand name, or as a part of a trade or brand name, to designate, describe, or refer to their sewing machines or sewing machine heads; or representing, through the use of any other word or words, or in any other manner, that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturer.

It is further ordered, That with respect to any issue raised by the complaint other than those to which this order relates, the complaint be, and the same hereby is, dismissed.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 22, 1955.

By the Commission.

[SEAL]

JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 55-8429; Filed, Oct. 17, 1955; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950—)

DEDUCTION OVERPAYMENTS; WAIVER OF ADJUSTMENT OR RECOVERY

Regulations No. 4, as amended (20 CFR, Cum. Supp. 404.1 et seq.) is further amended to read as follows:

1. Paragraph (n) of § 404.510 is amended and new paragraphs (p) and (q) have been added as set forth below:

§ 404.510 *When an individual is "without fault" in a deduction-overpayment. . . .*

(n) Unawareness that his employment after 1950 was covered by virtue of the Social Security Act Amendments of 1950 or that his income from his self-employment activity became net earnings from self-employment by virtue of such act, when he reasonably believed that such employment was not covered or that his income was not net earnings from self-employment. The provisions of this paragraph shall apply only with respect to benefits for months prior to 1953, except that in the case of employment covered after 1952 and prior to January 1955 by virtue of an agreement or modification of an agreement pursuant to section 218 of the act or a certificate filed pursuant to section 1426 (1) of the Internal Revenue Code of 1939

¹ Filed as part of original document.

these provisions shall apply with respect to benefits for months prior to 1955.

(p) Reasonable belief that the method by which deductions were to be imposed as a result of the Social Security Amendments of 1954 (§ 404.408 (a) (4)) became operative, with respect to the rendition of services in employment, in months after July 1954 and, with respect to net earnings from self-employment, in taxable years beginning in 1954; except that this provision shall apply only in the cases of monthly benefits for months after July 1954 and prior to 1955.

(q) Occurrences of unusual or unavoidable circumstances the nature of which demonstrate that the beneficiary was unaware (or could not reasonably be expected to have been aware) of a violation of the deduction provisions of the act in effect prior to the effective date of such provisions enacted by the Social Security Amendments of 1954 (see §§ 404.408 and 404.414 (c)).

2. Paragraph (b) of § 404.512 is amended to read as follows:

§ 404.512 *When adjustment or recovery will be waived in a deduction-over-payment.* . . .

(b) *Adjustment or recovery deemed "against equity and good conscience" under certain circumstances.* In the situations described in § 404.510 (c) to (k), inclusive, and in § 404.510 (m) to (q), inclusive (other than situations arising under such sections with respect to deductions under section 203 (b) (2) of the act), if the monthly net cash earnings ("take-home" pay) did not exceed the total benefits affected, there shall be no adjustment or recovery since it will be deemed that under such circumstances adjustment or recovery would be "against equity and good conscience." Where the net cash earnings exceeded the total benefits or where in such situations the deduction is with respect to an event arising under section 203 (b) (2) of the act, adjustment or recovery shall be waived only if it appears that adjustment or recovery would "defeat the purpose of title II" or would otherwise be "against equity and good conscience."

3. Subpart F is amended by adding at the end thereof a new section, designated as § 404.514, to read as follows:

§ 404.514 *References in §§ 404.510 and 404.512.* References in §§ 404.510 and 404.512 to section 203 (b) of the act, to the extent that such section is applicable to deductions under paragraph (1) or (2) thereof, apply only to such section in effect prior to the effective date of the Social Security Amendments of 1954.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647; 42 U. S. C. 405, 1302. Interpret or apply sec. 204, 49 Stat. 624, as amended; 42 U. S. C. 404.)

[SEAL] C. I. SCHOTTLAND,
Commissioner of Social Security.

Approved: October 12, 1955.

HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 55-8400; Filed, Oct. 17, 1955;
8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amtd. 7]

MISCELLANEOUS AMENDMENTS

This subchapter is amended as follows:

PART 1—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

1. The Department of Labor has revised the method of designation of labor surplus areas. § 1.302-4 (a) (1), as revised, cites the publications in which the new designations will be found.

§ 1.302-4 *Firms performing contracts in labor surplus areas—(a) Definitions.* (i) "Labor Surplus Areas" are those set forth in a list entitled "Areas of Substantial Labor Surplus" issued by the Department of Labor in conjunction with the "Bi-Monthly Summary of Labor Market Developments in Major Areas." This list includes both major and smaller areas.

2. Deletions from § 1.306 broaden the scope of exceptions to the policy with regard to place of delivery. Sections 1.306-1 and 1.306-2, as revised, read as follows:

§ 1.306 Place of delivery.

§ 1.306-1 *Shipments originating within the Continental United States for ultimate delivery within the Continental United States.* Unless there are valid reasons to the contrary the procurement of supplies from sources and for delivery within the continental limits of the United States shall be in accordance with the following policy:

(a) When it is estimated that a contract will require no shipment to a single destination which will equal a minimum carload or truckload lot, delivery shall be made on the basis of all transportation charges paid to destination.

(b) When it is estimated that a contract will require a shipment of a minimum carload or truckload lot, delivery shall be either on the basis of (1) f. o. b. carrier's equipment, wharf, or freight station (at the Government's option) at or near contractor's plant, at a specified city or shipping point, or (2) all transportation charges paid to destination, whichever is the more advantageous to the Government. In formally advertised procurements the Invitation for Bids shall provide that bidders may bid on either or both bases set forth in this subparagraph. Bids shall be evaluated on the basis of overall cost to the Government.

In the absence of specific information to the contrary, a minimum carload or truckload lot shall be deemed to be one which weighs approximately 20,000 pounds.

§ 1.306-2 *Shipments originating within the Continental United States for ultimate delivery outside the Continental United States.* Unless there are

valid reasons to the contrary purchases of supplies within the continental United States for ultimate delivery to destinations outside of the continental United States, wherever possible, regardless of the quantity of the shipment, shall be made on the basis of delivery f. o. b. carrier's equipment, wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point. Shipments included in this policy are those in which supplies are shipped directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151-162)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

1. A new § 2.204-8 has been added setting forth the policy regarding release of bidders' mailing lists. Such lists will not be released except to other Government agencies, and then only upon condition that they will not be made available to anyone outside of the Government, as follows:

§ 2.204-8 *Release of bidders' mailing lists.* Except as provided below, the list of prospective bidders to whom invitations for bids or requests for proposals have been submitted will not be released outside the Department of Defense, and will not be made available for inspection to individuals, firms, or trade organizations. Such lists may be made available to other Government agencies, at their specific written request, and upon the condition that the lists will not be made available for inspection to anyone outside the Government.

2. Detailed instructions for preparation and transmittal of information in connection with proposed procurements and awards have been deleted from §§ 2.206 and 2.408. Such instructions will hereafter be found in Departmental procedures. However, the policy to publish such information remains unchanged, except that synopses of awards need not be publicized in the United States with respect to contracts to be wholly performed outside of the continental United States. Section 2.206, as revised, reads as follows:

§ 2.206 Synopses of proposed procurements.

§ 2.206-1 *Statement of policy.* All proposed unclassified procurements made in the continental United States, which may result in an award in excess of \$10,000, will be publicized promptly in the Department of Commerce publication "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards," except the following:

- (a) Procurement of research and development.
- (b) Procurement of studies or surveys.
- (c) Procurement of perishable subsistence supplies.
- (d) Sole source procurement.

(e) Procurement where competition is known to be limited by patents, copyrights, or secret processes.

(f) Procurement which must be made too quickly to permit prospective contractors, dependent on the Department of Commerce Synopsis for information, to obtain invitations for bids or requests for proposals in time to prepare and submit their bids or proposals.

(g) Procurements not in the foregoing categories which nevertheless must be accomplished under such circumstances or conditions as to clearly preclude any benefit to industry or the Government by such publication. Justification in each case, for not publicizing the procurement under this exception, shall be in writing, approved by the chief of the purchasing office or his designee, and made part of the procurement file.

§ 2.206-2 Supply of invitation for bids and request for proposals at purchasing offices. A reasonable number of copies of each invitation for bids and request for proposals publicized in the Department of Commerce Synopsis, including data and specifications, shall be maintained by the issuing office for supplying requests therefor.

§ 2.206-3 Responsibility of Small Business Specialists. The Small Business Specialists in each purchasing office are responsible for screening all proposed procurements to assure that prompt action is taken with respect to publicizing such procurements through the Department of Commerce Synopsis in accordance with the requirements of this § 2.206. When determined appropriate by the Small Business Specialist, and approved by the Contracting Officer, a proposed procurement may be publicized in the Department of Commerce Synopsis even though it is excepted from such requirement under § 2.206-1. In those offices where no Small Business Specialist is assigned, the Contracting Officer or other designated representative will be assigned the responsibilities of the Small Business Specialist under this section.

§ 2.206-4 Individual procurement action report. Prior to submission of DD Form 350 for review and approval, the Contracting Officer shall note on the form that the procurement was or was not publicized in the Department of Commerce Synopsis, and if it was not so publicized, giving the reason therefor by reference to the appropriate exception in § 2.206-1.

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACTS

Section 2.408, as amended, reads as follows:

§ 2.408 Synopses of contract awards. Awards of unclassified contracts to be performed in whole or in part within the United States, exceeding \$25,000 in amount, whether entered into after formal advertising or negotiation, shall be published in the Department of Commerce "Synopsis of U. S. Government Proposed Procurement, Sales and Contract Awards."

(R. S. 161; 5 U. S. C. 22. Interpret of apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151-162)

PART 5—INTERDEPARTMENTAL PROCUREMENT SUBPART B—PROCUREMENT FROM GENERAL SERVICES ADMINISTRATION STORES DEPOTS

1. This subpart has been revised to express the general policy that, consistent with military necessity, the Department of Defense will place maximum reliance on producer or commercial distributive systems for the supplying of required materiel. This subpart, as revised, reads as follows:

- Sec.
5.201 General.
5.202 Stores Stock Catalog.
5.203 Procedure for procurement from General Services Administration Stores Depots.
5.204 General Services Administration Stores Depots and regional offices.

§ 5.201 General. It is the general policy of the Department of Defense, when consistent with military necessity, to place maximum reliance on producer or commercial distributive systems for supplying requirements of the military departments. However, items and classes of material which have been designated for supply through local purchase and which normally are stocked by General Services Administration Stores Depots will be procured through the appropriate General Services Administration Stores Depot, provided that—

(a) The delivered price from the General Services Administration Stores Depot is not greater than the delivered price of the item from commercial sources;

(b) The service rendered by the General Services Administration Stores Depot, in terms of availability and procurement lead time, is equal to or better than that of commercial sources; and

(c) Such procurement is consistent with Subparts D and E of this part.

The procurement of items stocked by General Services Administration Stores Depots which are under DOD-GSA interagency purchase assignments will be in accordance with the implementing procedures relating to such assignments.

§ 5.202 Stores Stock Catalog. The General Services Administration periodically publishes an illustrated "Stores Stock Catalog" which sets forth, among other things (i) all standard supplies carried in stock for issue by the stores depots listed in § 5.204, (ii) special supplies carried in stock for issue only by certain of the depots, and (iii) price information on a portion of the supplies listed. Copies of the "Stores Stock Catalog," and additional price lists may be obtained, upon request, from any of the regional offices or depots listed in § 5.204.

§ 5.203 Procedure for procurement from General Services Administration Stores Depots. Procurement from General Services Administration Stores Depots of supplies listed in the "Stores Stock Catalog" shall be made by submitting a delivery order on DD Form 702 or DD Form 738, as appropriate, (see § 16.003 and § 16.008) to that General Services Administration Stores Depot which can best serve the procuring activity or installation, taking into consideration transportation costs, shipping time, and the regional boundaries of the Stores Depots. The delivery order shall contain the information required by the ordering instructions in the catalog.

§ 5.204 General Services Administration Stores Depots and regional offices. The General Services Administration operates stores depots and regional offices located in or near the cities listed below, serving the areas indicated on the back cover page of the "Stores Stock Catalog." The addresses shown are the mailing addresses to which all orders and correspondence should be forwarded.

GSA Region	Address
1 Boston, Mass.-----	620 Post Office and Court House Building, Boston 9, Mass.
2 New York, N. Y.-----	110 Edison Place, Newark, N. J.
3 Washington, D. C.-----	Room 5450, Seventh and D Streets SW., Washington 25, D. C.
4 Atlanta, Ga.-----	Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta 5, Ga.
5 Chicago, Ill.-----	Room 575, U. S. Court House, 219 South Clark Street, Chicago 4, Ill.
Cleveland, Ohio.-----	Room 212, Federal Building, Public Square, Cleveland 14, Ohio.
6 Kansas City, Mo.-----	2306 East Bannister Road, Kansas City, Mo.
7 Dallas, Tex.-----	P. O. Box 1315, Fort Worth, Tex.
8 Denver, Colo.-----	Denver Federal Center, Denver, Colo.
9 San Francisco, Calif.-----	49 Fourth Street, San Francisco 3, Calif.
Los Angeles, Calif.-----	Orders for shipment by this Depot should be directed to the San Francisco address.
10 Seattle, Wash.-----	Federal Office Building, 909 First Avenue, Seattle 4, Wash.

SUBPART D—PROCUREMENT OF PRISON-MADE SUPPLIES

Sections 5.404 and 5.406 have been amended to substitute General Services Administrative Stores Depots for Federal Supply Service Depots wherever the references appear. Sections 5.404 and 5.406, as amended, read as follows:

§ 5.404 Mandatory procurement of prison-made supplies.

§ 5.404-1 Mandatory procurement from Federal Prison Industries, Inc.

Supplies listed in the Schedule shall be procured directly from Federal Prison Industries, Inc., when—

(a) Supplies require oversea packaging or packing;

(b) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned; or

(c) Supplies are required in less than carload lots, but are not stocked by General Services Administration Stores Depots.

§ 5.404-2 *Mandatory procurement of prison-made supplies from General Services Administration Stores Depots.* Supplies listed in the Schedule which are required in less than carload lots and which are stocked by General Services Administration Stores Depots shall be procured from such Depots, except that procurement shall be made directly from Federal Prison Industries, Inc., when (a) the procuring activity or installation is so located that it is more practical and economical to procure directly from Federal Prison Industries, Inc., rather than from or through the General Services Administration, or (b) the General Services Administration Stores Depot is temporarily unable to furnish the required supplies, in which instance the Depot will so advise the procuring activity or installation so that the procurement may be made directly from Federal Prison Industries, Inc.

§ 5.406 *Procurement procedure.*

§ 5.406-1 *Procurement from Federal Prison Industries, Inc.* Procurement directly from Federal Prison Industries, Inc., will be made by placing a delivery order, using DD Form 702 (Order for Purchase of Supplies or Services), or DD Form 738 (Order and Voucher for Purchase of Supplies and Services) as appropriate (see §§ 16.003 and 16.008), with Federal Prison Industries, Inc., % Department of Justice, Washington 25, D. C.

§ 5.406-2 *Procurement from General Services Administration Stores Depots.* Procurement from General Services Administration Stores Depots of prison-made supplies listed in the Schedule shall be made by submitting a delivery order, using DD Form 702 or DD Form 738 as appropriate (see §§ 16.003 and 16.008), to the General Services Administration Regional Office which normally serves the procuring activity or installation.

SUBPART E—PROCUREMENT OF BLIND-MADE SUPPLIES

Sections 5.503, 5.504 and 5.506 have been amended to substitute General Services Administration Stores Depots wherever Federal Supply Service Stores Depots appears. In addition in § 5.503 a reference correction has been made from 5.203 to 5.204. Sections 5.503, 5.504, and 5.506, as amended, read as follows:

§ 5.503 *Schedule of supplies which are blind-made.* Supplies manufactured by agencies for the blind are listed in the "Schedule of Blind-Made Products" (referred to in this Subpart E as the "Schedule"), now printed in separate loose leaf form, copies of which may be obtained from any of the General Services Administration Regional Offices or Depots listed in § 5.204. Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

§ 5.504 *Mandatory procurement of blind-made supplies.* Supplies listed in the Schedule shall be procured from agencies for the blind through National Industries for the Blind when—

(a) Supplies require overseas packaging or packing;

(b) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned;

(c) Supplies are stocked by General Services Administration Stores Depots, but the procuring activity or installation is so located that it is more practical and economical to purchase directly from the agency for the blind which manufactures the supplies, rather than from the Stores Depot; or

(d) The supplies are not stocked by General Services Administration Stores Depots as indicated in the Schedule.

§ 5.506 *Procurement procedure.*

§ 5.506-1 *Carload lots.* Blind-made supplies in carload lots (or in the case of nonstock items whether over or under a carload) shall be procured by forwarding a purchase order to a designated agency for the blind in accordance with an allocation issued by National Industries for the Blind, 15 West 16th Street, New York 11, New York. Complete instructions for obtaining supplies manufactured by agencies for the blind are set forth in the Schedule.

§ 5.506-2 *Less than carload lots.* Except as otherwise permitted in §§ 5.504 and 5.505 procurement of less than carload lots of blind-made supplies which are listed in the Schedule as stocked by General Services Administration Stores Depots shall be made by submitting an order to the General Services Administration regional office which normally serves the procuring activity or installation.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151-162)

T. P. PIKE,
Assistant Secretary of Defense
(Supply and Logistics).

OCTOBER 12, 1955.

[F. R. Doc. 55-8420; Filed, Oct. 17, 1955; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 12—INSPECTION OF VESSELS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Governor by Rule 155 of Executive Order No. 4314 of September 25, 1925, section 153 of Title 2 of the Canal Zone Code, approved June 19, 1934, and § 4.158 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), §§ 12.1 and 12.2 are amended to read as follows, and new § 12.2a is added as set forth below:

§ 12.1 *Marine Director as Supervising Inspector.* Except as provided in § 12.2a, the Marine Director shall act as Supervising Inspector of the Canal Zone in matters of a marine character.

§ 12.2 *Officials constituting Board of Local Inspectors.* The Port Captain, Cristobal, or the official acting in such

capacity; the Port Captain, Balboa, or the official acting in such capacity; and the Chief, Industrial Division, or, in his absence, the Assistant to the Chief, Industrial Division, shall constitute the Board of Local Inspectors, referred to in this part as "the Board." Except as provided below, the senior of the two Port Captains shall be the Chairman of the Board. In the discretion of the Governor, accident investigations may be conducted by one regularly constituted member of the Board. In the event the Governor deems it appropriate, he may designate alternates to serve in the place of any of the above-named members in any investigation or hearing. In any case in which the Marine Director is designated as such an alternate, he shall serve as Chairman of the Board.

§ 12.2a *Lieutenant Governor to act in place of Supervising Inspector and Marine Director in certain cases.* The Lieutenant Governor shall serve in the place of the Marine Director as Supervising Inspector or approving official, as the case may be, with respect to any investigation or hearing conducted by the Board of Local Inspectors in which the Marine Director participates as an alternate member of the Board, as provided in § 12.2.

(Sec. 1, 47 Stat. 811; 2 C. Z. Code 153, 48 U. S. C. 1336a)

Issued at Balboa Heights, Canal Zone, September 30, 1955.

[SEAL]

J. S. SEYBOLD,
Governor.

[F. R. Doc. 55-8409; Filed, Oct. 17, 1955; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10267, 10304; FCC 55-1010]

[Rules Amdt. 2-9]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the Aeronautical mobile (OR) service, Docket No. 10267; amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (R) service, Docket No. 10304.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of October 1955;

The Commission having under consideration the above-mentioned matter; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notices of proposed rule making (FCC 52-780 and FCC 52-833) in these matters, which made provisions for the submission of written comments by interested parties, were published in the FEDERAL REGISTER 17 F. R. 7153 on August 6,

1952 (Docket 10267), and 17 F. R. 7549 on August 19, 1952 (Docket 10304), and the period for filing comments has now expired; and

It further appearing that comments were filed by Aeronautical Radio Inc. (ARINC) and by the American Telephone and Telegraph Co. (AT&T) in each of the above-referenced dockets; and

It further appearing that the Commission after consideration of the above comments on January 12, 1955, adopted a Report and Order in each of the above-captioned dockets (FCC-52-25 and FCC 55-26) making final the allocation of all Aeronautical Mobile (OR) and (R) service bands subject to these proceedings with the exception of the (OR) band 3025-3155 kc and the (R) bands 4650-4700 kc and 5450-5680 kc because of then existing non-Government frequency assignment conflicts in these three bands; and

It further appearing that each of the aforementioned Reports and Orders provided for the allocation of these three remaining bands to be made final as soon as all non-Government out-of-band conflicting assignments could be removed therefrom; and

It further appearing that all non-Government out-of-band, conflicting assignments will be removed from these three remaining bands as of August 1, 1955; and

It further appearing that the public interest, convenience and necessity will be served by the amendment contained in the attached appendix and herein ordered, the authority for which action is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective November 1, 1955, Part 2 of the Commission's Rules is amended as set forth below.

It is further ordered, That the proceedings in each of these dockets are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 13, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

Section 2.104 (a) (3) (i) is amended by changing the table of frequency bands therein to read as follows:

2495-2850 kc	7300-8195
3155-3400	8476-8745
4238-4650	11400-11700
4750-5450	

[F. R. Doc. 55-8422; Filed, Oct. 17, 1955;
8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 323—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

At a general session of the Interstate Commerce Commission held at its of-

fice in Washington, D. C., on the 29th day of September A. D. 1955.

The matter of accounting regulations prescribed for maritime carriers being under consideration pursuant to provisions of section 313 of the Interstate Commerce Act, as amended (54 Stat. 944, 49 U. S. C. 913); and,

It appearing, that certain modifications are necessary to clarify provisions of those regulations as they relate to reserve funds required to be maintained under provisions of the Merchant Marine Act, 1936; and,

It further appearing, that the changes in substance to be effected by such modifications are permissive in nature or are otherwise such that the public rule making requirements of section 4 of the Administrative Procedure Act are deemed unnecessary:

It is ordered, That:

(1) *Effective date.* The modifications which are attached hereto and made a part hereof shall become effective November 1, 1955.

(2) *Notice.* A copy of this order shall be served on all carriers by water subject to provisions of the Interstate Commerce Act which also operate vessels in foreign service, and every lessor thereof, and on every receiver, trustee, executor, administrator, or assignee of any such carrier or lessor, and notice of this order shall be given to the general public by depositing a copy with the attached modifications in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. In § 323.120 *Marketable securities* cancel the text of the account as now in effect and substitute the following for it:

§ 323.120 *Marketable securities.* This account shall be subdivided as follows:

121. United States Government securities.
122. State, county, and municipal securities.
125. Other marketable domestic securities.
126. Foreign marketable securities.

These accounts shall include the cost of government securities and temporary investments in other readily marketable securities which are available for general purposes of the business. Securities issued or assumed by the carrier or by a related company shall not be included in these accounts.

129 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on marketable securities, at the time of accrual or collection of interest thereon, with contra entry to account 679, "Interest income—Marketable securities," if it is the practice of the carrier to adjust that account to a yield basis. When the securities are disposed of, any balance applicable thereto in this account shall be transferred to the account in which the cost of such securities is recorded.

2. In § 323.301 *Capital reserve fund* cancel the text of the account as now in effect and substitute the following for it:

§ 323.301 *Capital reserve fund.* This account shall be subdivided as follows:

301-1 *Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 (b) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities.

301-2 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 680, "Interest income—Special funds and deposits," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 301-1.

3. In § 323.302 *Special reserve fund* cancel the text of the account as now in effect and substitute the following for it:

§ 323.302 *Special reserve fund.* This account shall be subdivided as follows:

302-1 *Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 (c) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be maintained as described in account 301-1.

302-2 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 680, "Interest income—Special funds and deposits," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, the balance applicable thereto in this account shall be transferred to account 302-1.

4. In § 323.365 *Interest accruals for deposit in capital reserve fund* cancel the title and text of the account as they are now in effect and substitute the following for them:

§ 323.365 *Interest accruals for deposit in statutory reserve funds.* This account shall include the periodic (not less frequent than annual) accruals of interest on cash and securities on deposit in account 301, "Capital reserve fund," and account 302, "Special reserve fund," with corresponding credit to account 680, "Interest income—Special funds and deposits."

5. In § 323.675 *Interest income* cancel paragraph (a) of the text of the account as now in effect and substitute the following for it:

(a) This account shall be credited with all interest accrued. If it is the practice of the carrier to adjust such interest to a yield basis, this account shall be charged with amortization of any premium and shall be credited with accumulation of any discount on securities at the time of accrual or collection of interest thereon.

(Sec. 12, 24 Stat. 383, as amended, 54 Stat. 933; 49 U. S. C. 12, 904)

[F. R. Doc. 55-8417; Filed, Oct. 17, 1955;
8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

1956 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1956 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture, on November 3, 1955, at 2:00 p. m., e. s. t.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or evoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1956, to the date the Secretary prescribes allotments of the Mainland Cane Sugar Area quota for the calendar year 1956.

To avoid disorderly marketing by any allottee who might market early in 1956 a quantity of sugar larger than its allotment of the entire 1956 sugar quota for the Mainland Cane Sugar Area, it is necessary to make allotments effective on January 1, 1956. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1956 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding consideration of the factors cited in section 205 (a) of the Act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are established.

On the date specified for the hearing, the Government witness will propose that for the period January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are prescribed, allotments of the 1956 Mainland Cane Sugar Area quota be established

on the basis of 80 percent of the allotments of the Mainland Cane Sugar Area quota for 1955 as published in the FEDERAL REGISTER on September 23, 1955 (20 F. R. 7126). Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purpose of allotting any deficit in the allotment for any allottee.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1956 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1956 Mainland Cane Sugar Area quota for the calendar year 1956 under the provisions of the Sugar Act of 1948, as amended.

Issued this 13th day of October 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8439; Filed, Oct. 17, 1955;
8:53 a. m.]

[7 CFR Part 814]

1956 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1956 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture, on November 3, 1955, at 10:00 a. m., e. s. t.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota which will enable persons who process sugar and liquid sugar from sugar beets grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period of January 1, 1956, to the date the Secretary prescribes allotments of the Domestic Beet Sugar Area quota for the calendar year 1956.

To avoid disorderly marketing by any allottee who might market early in 1956 a quantity of sugar larger than its allotment of the entire 1956 sugar quota for the Domestic Beet Sugar Area, it is necessary to make allotments effective on January 1, 1956. Much of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1956 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding consideration of the factors cited in section 205 (a) of the Act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are established. It also will be appropriate at the hearing to present evidence relative to the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets to be sold to and processed for the account of one allottee by another.

On the date specified for the hearing, the Government witness will propose that for the period January 1, 1956, to the date allotments of the entire quota for the calendar year 1956 are prescribed, allotments of the 1956 Domestic Beet Sugar Area quota be established on the basis of 80 percent of the allotments of the Domestic Beet Sugar Area quota for 1955 as published in the FEDERAL REGISTER on June 9, 1955 (20 F. R. 3999).

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purpose of allotting any deficit in the allotment for any allottee.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1956 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1956 Domestic Beet Sugar Area quota for the calendar year 1956 under the provisions of the Sugar Act of 1948, as amended.

Issued this 13th day of October 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-8440; Filed, Oct. 17, 1955;
8:54 a. m.]

[7 CFR Part 815]

REQUIREMENTS RELATING TO MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of

1948, as amended (61 Stat. 922 as amended by 65 Stat. 318; 7 U. S. C. 1100), is considering amendment of Sugar Regulation 815 (19 F. R. 7930) as herein-after proposed. The purposes of this amendment are to clarify the manner in which this regulation relates to the disposition of mainland sugar and to modify the requirements relating to the refining and storage of mainland sugar under bond until released within an applicable quota or allotment.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in quadruplicate with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of the publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Basis and purpose. Paragraph (c) (1) of § 815.6 establishes a limit on the movement of mainland sugar which is permitted to be marketed by the processors for refining and storage until released within an applicable quota and allotment. In view of the continued increase in year-end inventories of processors of raw mainland cane sugar, it is imperative that the provision permit the fullest possible use of storage facilities ordinarily used by refiners who are permitted to receive such sugar under the provisions of this paragraph consistent with the maintenance of adequate quota controls. The amendment of this paragraph is believed to accomplish this purpose.

Section 815.3 has been amended to include a clarifying provision that mainland sugar removed from the continental United States for consumption out of the continental United States is not chargeable to the quotas and allotments thereof for the domestic beet sugar area or the mainland cane sugar area.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (60 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100), and the Administrative Procedure Act (60 Stat. 237), § 815.3 and § 815.6 of Sugar Regulation 815 are hereby amended as follows:

1. Paragraph (c) (1) of § 815.6 is amended to read as follows:

§ 815.6 *Provisions of bond.* * * *

(c) *Conditions.* * * *

(1) In the case of any application approved by the Secretary to market to the principal named in the bond a quantity of mainland sugar for refining and storage, the principal shall hold and store, until release thereof is authorized by the Secretary, all of such quantity of mainland sugar, or an equivalent quantity of sugar or liquid sugar. Such sugar or liquid sugar must be held and stored at the refinery where the mainland sugar was received or at other storage facilities where the quantity of sugar or liquid sugar refined or to be refined at such refinery is placed in storage after receipt of the mainland sugar under the bond.

2. The following paragraph (c) is added to § 815.3:

§ 815.3 *Effect of marketings on quotas and allotments.* * * *

(c) A marketing of mainland sugar for which it is established to the satisfaction of the Secretary by sales and shipping documents of the processor and buyers, available pursuant to § 815.7, or otherwise that such mainland sugar was removed from the continental United States for consumption outside thereof.

Issued at Washington, D. C., this 12th day of October 1955.

[SEAL]

WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 55-8414; Filed, Oct. 17, 1955;
8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF HYDROGEN CYANIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, proposing the establishing of a tolerance of 25 parts per million for residues of hydrogen cyanide in or on the following raw agricultural commodities: Cocoa beans, peanuts, dried beans (including navy beans, lima beans, and kidney beans), dried peas (including cow peas, chick peas, and blackeyed peas), almonds, cashews, pecans, walnuts, and the following grains: barley, corn, popcorn, rice (rough and polished), rye, and wheat.

Methods for determining residues of hydrogen cyanide are set out in the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, in sections 22.53

and 22.54 (Eighth Edition, sections 22.55 and 22.56).

Dated: October 12, 1955.

[SEAL]

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8421; Filed, Oct. 17, 1955;
8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 249]

[Economic Regs. Draft Release 76A]

PRESERVATION OF ACCOUNTS, RECORDS AND MEMORANDA

SUPPLEMENTAL NOTICE OF PROPOSED RULE-MAKING

OCTOBER 14, 1955.

In the notice of proposed rule-making on this matter, published in the FEDERAL REGISTER on September 20, 1955 (20 F. R. 7049), it was stated that the Board would consider all relevant matter in communications received on or before October 18, 1955. The Board has been requested by several interested parties to extend the date by which comments must be filed by at least one month. Since the Draft Release proposed a comprehensive revision of Part 249, which contains the Board's requirements concerning the retention of both economic and safety records, extensive changes in the record-keeping methods of the entire industry will be necessitated. Consequently the Board finds that the request for a one month extension beyond the normal time for return of comment is not unreasonable under the circumstances.

Accordingly, the second sentence of the last paragraph of the aforementioned notice is amended to read as follows: "All relevant matter in communications received on or before November 18, 1955, will be considered by the Board before taking final action on the proposed rule."

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8474; Filed, Oct. 17, 1955;
8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 24, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby withdraw the following-described land from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

PRINCIPAL MERIDIAN, MONTANA

T. 27 N., R. 50 E.,
Sec. 15, Lots 2 and 3.

The above areas aggregate 36.69 acres.

E. G. NIELSEN,
Acting Commissioner.

OCTOBER 12, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOLEY,
Director,
Bureau of Land Management.

**Notice for Filing Objections to Order
Withdrawing Public Lands for the
Missouri River Basin Project, Mon-
tana.**

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the term of the above order withdrawing certain public land in the State of Montana, for use in connection with the Nickwall Unit, Missouri River Basin Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Acting Commissioner.

[F. R. Doc. 55-8402; Filed, Oct. 17, 1955;
8:45 a. m.]

**SENTINEL AND COLORADO RIVER STORAGE
PROJECTS, ARIZONA**

ORDER OF REVOCATION

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of October 18, 1918, and March 14, 1929, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

- T. 4 S., R. 5 W.,
Sec. 31, all.
- T. 5 S., R. 5 W.,
Secs. 6 to 8, inclusive, all.
- T. 4 S., R. 6 W.,
Secs. 19 to 21, inclusive, and 25 to 36, inclusive, all.
- T. 5 S., R. 6 W.,
Secs. 1 to 6, inclusive, and 9 to 12, inclusive, all.
- T. 4 S., R. 7 W.,
Secs. 6 and 7, 17 to 29, inclusive, and 33 to 36, inclusive, all.
- T. 5 S., R. 7 W.,
Secs. 1 to 4, inclusive, 10 and 11, all.
- T. 3 S., R. 8 W.,
Secs. 34 to 36, inclusive, all.
- T. 4 S., R. 8 W.,
Secs. 1 to 4, inclusive, and 8 to 12, inclusive, all;
Sec. 13, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 15 to 36, inclusive, all.
- T. 5 S., R. 8 W.,
Secs. 1 to 12, inclusive, all.

No. 203—3

- T. 4 S., R. 9 W.,
Secs. 35 and 36, all.
- T. 5 S., R. 9 W.,
Secs. 1 to 21, inclusive, and 23 and 24, all.
- T. 5 S., R. 10 W.,
Secs. 11 to 14, inclusive, all;
Sec. 15, NW $\frac{1}{4}$ and S $\frac{1}{2}$;
Secs. 21 to 24, inclusive, and 28 to 30, inclusive, all;
Sec. 31, N $\frac{1}{2}$.
- T. 5 S., R. 11 W.,
Secs. 25, 26, and 33 to 36, inclusive, all.
- T. 6 S., R. 11 W.,
Secs. 3 to 10, inclusive, and 17, all.
- T. 6 S., R. 12 W.,
Secs. 10 to 23, inclusive, all;
Sec. 23, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 28, NW $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 30, Lots 1 to 3, inclusive; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
- T. 6 S., R. 13 W.,
Secs. 19 to 32, inclusive, all;
Sec. 33, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Secs. 34 to 36, inclusive, all.

The above area aggregates approximately 118,310.00 acres.

G. W. LINEWEAVER,
Assistant Commissioner.
[Misc. 806097]

OCTOBER 12, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in an application, Arizona 04855, of the Department of the Army for their withdrawal in connection with the Painted Rock Reservoir Project. They will not be subject to any further disposition unless and until an appropriate order of restoration is issued by an authorized officer of the Bureau of Land Management.

EDWARD WOOLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55-8401; Filed, Oct. 17, 1955;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7355]

**ALLEGHENY AIRLINES INC.; PERMANENT
CERTIFICATION CASE**

NOTICE OF HEARING

In the matter of the application of Allegheny Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 97.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 1, 1955, at 10:00 a. m., e. s. t., in Room 2044, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., October 12, 1955.

[SEAL] **FRANCIS W. BROWN,**
Chief Examiner.

[F. R. Doc. 55-8432; Filed, Oct. 17, 1955;
8:52 a. m.]

[Docket No. 7206]

**OZARK AIR LINES, INC.; PERMANENT
CERTIFICATION CASE**

NOTICE OF HEARING

In the matter of the application of Ozark Air Lines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 107.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 31, 1955, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., October 12, 1955.

[SEAL] **FRANCIS W. BROWN,**
Chief Examiner.

[F. R. Doc. 55-8433; Filed, Oct. 17, 1955;
8:52 a. m.]

[Docket No. 7357]

**PIEDMONT AVIATION, INC.; PERMANENT
CERTIFICATION CASE**

NOTICE OF HEARING

In the matter of the application of Piedmont Aviation, Inc., under Section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 87.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 31, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 12, 1955.

[SEAL] **FRANCIS W. BROWN,**
Chief Examiner.

[F. R. Doc. 55-8434; Filed, Oct. 17, 1955;
8:52 a. m.]

[Docket No. 7338]

**SOUTHERN AIRWAYS INC.; PERMANENT
CERTIFICATION CASE**

NOTICE OF HEARING

In the matter of the application of Southern Airways, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 98.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 1, 1955, at 10:00 a. m.,

e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 12, 1955.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8435; Filed, Oct. 17, 1955; 8:52 a. m.]

[Docket Nos. 5770 and 6024]

NORTH CENTRAL AIRLINES, INC., AND LAKE CENTRAL AIRLINES, INC.; ACQUISITION OF CONTROL AND INTERLOCKING DIRECTORATE PROCEEDING

NOTICE OF HEARING

In the matter of the joint application for approval of certain interlocking relationships involving North Central Airlines, Inc. and Lake Central Airlines, Inc., and the matter of the proposed acquisition of the control of Lake Central Airlines, Inc., by North Central Airlines, Inc. pursuant to sections 408 and 409 (a) of the Civil Aeronautics Act of 1938, as amended, under Dockets Nos. 5770 and 6024.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, hereinafter called the Act, that a hearing in the above-entitled proceeding will be held on October 24, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the applications and investigations consolidated herein, particular attention will be directed to the following matters:

(1) Whether the acquisition of control of Lake Central Airlines, Inc., by North Central Airlines, Inc., would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize a third air carrier and would not be consistent with the public interest pursuant to section 408 of the Act?

(2) Whether the interlocking relationships of Howard A. Morey, Frank N. Buttner, Grove Webster, Arthur E. Schwandt, Arthur E. A. Mueller, Joe Decoursin, Francis M. Higgins, Don Olen, Harold Emch, Harold N. Carr, A. L. Wheeler and Robert B. Stewart, North Central Airlines, Inc., and Lake Central Airlines, Inc., will not adversely affect the public interest within the meaning of section 409 (a) of the act?

For further details of the issues involved in this proceeding interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before October 24, 1955, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., October 12, 1955.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-8436; Filed, Oct. 17, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11300; FCC 55-1022]

ALLEGHENY-KISKI BROADCASTING CO.
(WKPA)

ORDER AMENDING ISSUES

In re Application of Allegheny-Kiski Broadcasting Co. (WKPA), New Kensington, Pennsylvania, Docket No. 11300, File No. BP-9546; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of October 1955:

The Commission having under consideration (1) a motion to enlarge issues, filed by Allegheny-Kiski Broadcasting Co. (WKPA) on March 22, 1955; (2) a partial opposition to the above-mentioned petition to enlarge the issues filed by the Storer Broadcasting Company on April 1, 1955; (3) and an answer to the above-mentioned partial opposition filed by Allegheny-Kiski Broadcasting Co. on April 5, 1955.

It appearing that, by Order released March 10, 1955, the Commission designated the above-entitled application for hearing upon three issues designed to determine, inter alia: the areas and populations which may be expected to gain or lose primary service from the operation proposed by WKPA and the availability of other primary service to such areas and populations; whether the operation of Station WKPA as proposed would involve objectionable interference with Station WWVA, Wheeling, West Virginia, and, if so, the nature and extent of such interference; and to determine whether the operation proposed by WKPA would serve the public interest, convenience and necessity.

It further appearing that, Allegheny-Kiski Broadcasting Co. requests that the issues be enlarged to include the following three additional issues:

"3. To determine the type and character of program service proposed by the applicant.

"4. To determine what program service is being rendered by Station WWVA to the area to be affected by the proposed operation of Station WKPA.

"5. To determine whether any other station serving the area which will be affected by the proposed operation of Station WKPA substantially duplicates all or any portion of said WWVA program services."

It further appearing that, Allegheny-Kiski Broadcasting Co. requests the addition of the aforementioned new Issues Nos. 3 and 4 in order that the Commis-

¹Petitioner suggests that Issue No. 3 as contained in the Commission's Order of March 10 be renumbered Issue No. 6.

sion may make a determination as to the relative merits of the program service proposed by WKPA in the interference area as compared to the program service which WWVA presently renders in that area.

It further appearing that, Allegheny-Kiski Broadcasting Co., in its motion, requested that the Commission place on Storer Broadcasting Company the burden of proof in connection with the presentation of evidence concerning proposed Issue No. 4 but that this request was later modified, in petitioner's answer to the partial opposition of Storer, so as to change the "burden of proof" to the "burden of proceeding" with the introduction of evidence concerning proposed Issue No. 4;

It further appearing that, Storer Broadcasting Company does not oppose the enlargement of the Hearing Issues as proposed by Allegheny-Kiski Broadcasting Co., but does oppose the suggestion that it be assigned the burden of proof in connection with the presentation of evidence concerning proposed new Issue No. 4 and that Storer requests that the Commission place on Allegheny-Kiski Broadcasting Co. the burden of proof in connection with presenting evidence concerning all Hearing Issues in the instant proceeding.

It further appearing that, Storer Broadcasting Company requests that the Commission, should it grant the request of Allegheny-Kiski Broadcasting Co. for new Issue No. 5, adopt as Issue No. 5 (a), the following:

"5 (a) To determine whether any other station serving the area which will be affected by the proposed operation of Station WKPA substantially duplicates all or any portion of the proposed Station WKPA program service."

It further appearing that, for the reasons advanced by Allegheny-Kiski Broadcasting Co., the enlargement of issues by the addition of proposed new Issues Nos. 3 and 4 is warranted;

It further appearing that, Storer Broadcasting Company (WWVA) may reasonably be expected to be the best source of evidence as to the programs of Station WWVA;

It further appearing that, section 3.24 (b) of the Commission's Rules does not require the consideration of stations which will not be subject to interference from a proposed operation and that enlargement of the issues to include new Issue No. 5, as proposed by Allegheny-Kiski Broadcasting Co., and new Issue No. 5 (a), as proposed by Storer Broadcasting Company, would not be helpful to the Commission in making a determination in the instant proceeding;

It is ordered, That the above entitled petition of Allegheny-Kiski Broadcasting Company to enlarge the issues is granted insofar as to enlarge issues by the addition of the above listed new Issues Nos. 3 and 4 and to place the burden of proceeding with the introduction of evidence concerning new Issue No. 4 on Storer Broadcasting Company. In all other respects this petition is denied.

It is further ordered, That existing Issue No. 3 of the Hearing Order re-

leased March 10, 1955, is renumbered Issue No. 5 and that the issues in the above entitled proceeding are amended to read as follows:

"1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WKPA as proposed and the availability of other primary service to such areas and populations.

"2. To determine whether the operation of Station WKPA as proposed would involve objectionable interference with Station WWVA, Wheeling, West Virginia, or with any other existing station, and, if so, the nature and extent of such interference.

"3. To determine the type and character of program service proposed by the applicant.

"4. To determine what program service is being rendered by Station WWVA to the area to be affected by the proposed operation of Station WKPA.

"5. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the operation of Station WKPA as proposed would serve the public interest, convenience and necessity."

Released: October 13, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8423; Filed, Oct. 17, 1955;
8:50 a. m.]

[Docket No. 11310; FCC 55M-867]

NORTHERN CORP. (WMEX)

ORDER CHANGING PLACE OF HEARING

In re application of The Northern Corporation (WMEX), Boston, Massachusetts, Docket No. 11310, File No. BR-833; for renewal license.

The Hearing Examiner having under consideration a petition, filed on September 29, 1955, on behalf of the Chief of the Broadcast Bureau of this Commission, requesting that the place of the hearing in the above-entitled proceeding, now scheduled to be held on October 25, 1955, be changed from the City of Washington, D. C., to the City of Boston, Massachusetts; an opposition to the said petition filed on October 7, 1955, on behalf of The Northern Corporation (WMEX), the applicant herein; and an oral argument which was held, on October 7, 1955, on the said petition and opposition; and

It appearing from the above petition and oral argument that as a general rule hearings are held on applications for renewal of licenses in the cities in which the licensees are located since it has been found to be a more convenient practice than holding such hearings in the Commission's offices in Washington, D. C., and

It further appearing that there is now a reasonable expectancy that at least nine witnesses, and possibly a tenth, living in Boston or its environs will be called to testify in the proceeding on behalf of the Commission, and that, in addition, it is the present intention of the Broadcast Bureau to have the officers and directors of The Northern Corporation (WMEX), all of whom are residents of the Boston area, available for examination at the hearing, either with or without the service of subpoenas; and

It further appearing that there are a number of books, minutes, logs and other records, some of which cannot at present be specified, relating to the operation of Station WMEX, which may be required to be obtained by the Broadcast Bureau by means of subpoenas and introduced at the hearing and that it would be preferable to have such documents available in Boston in order that they may be properly identified and explained, if necessary, by persons living in that area associated with the operation of that station; and

It further appearing from the foregoing facts, and especially in view of the substantial number of witnesses who may be required to testify therein, that the proceeding would be expedited if held in Boston, and would be less costly to the government from a budgetary standpoint than if it were held in Washington, D. C.; and

It further appearing from the opposition to the above petition and oral argument thereon that counsel for The Northern Corporation (WMEX) has set forth no convincing reasons why the hearing should not be held in Boston or to show that the rights of that party would be in any respect prejudiced by conducting the proceeding in that city;

It is ordered, This 7th day of October 1955, that the above petition be, and it is hereby, granted; and that the hearing in the above-entitled proceeding is hereby moved from Washington, D. C., to Boston, Massachusetts, to be held in that city on October 25, 1955, the exact time and place thereof to be announced in a notice subsequently to be issued.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8424; Filed, Oct. 17, 1955;
8:50 a. m.]

[Docket No. 11394, FCC 55M-870]

IREDELL BROADCASTING CO. (WDBM)

NOTICE OF PREHEARING CONFERENCE

In re Application of Walter A. Duke d/b as Iredell Broadcasting Company (WDBM), Statesville, North Carolina, Docket No. 11394, File No. BP-9527; for construction permit.

Notice is hereby given that pursuant to section 1.813 of the Commission's

(WJVA), (Docket No. 9692), South Bend, Indiana, 8 RR, P. 766; and Oil City Broadcasting Company (KELT), (Docket No. 9652), Electra, Texas, 7 RR, P. 1.

Rules a prehearing conference in the above-entitled proceeding will be held at 9:00 a. m., Thursday, October 20, 1955, in Washington, D. C.

Dated: October 11, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8425; Filed, Oct. 17, 1955;
8:50 a. m.]

[Docket Nos. 11417 and 11418; FCC 55M-872]

TAYLOR BROADCASTING CO. AND GARDEN OF
THE GODS BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Taylor Broadcasting Co., Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439 and Garden of the Gods Broadcasting Co., Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for construction permits.

The Hearing Examiner having under consideration two motions, both of which were made on the record at the session of the hearing held October 11, 1955: (1) A motion made by respondent Boulder Radio Station KBOL, Inc., to declare the applicant, Garden of the Gods Broadcasting Company, in default; and (2) a motion made by counsel for the Broadcast Bureau to continue the hearing indefinitely with respect to Taylor Broadcasting Company;

It appearing that the hearing was convened at the time heretofore recited in the Hearing Examiner's Statement and Order of September 23, 1955, and that Garden of the Gods Broadcasting Company did not appear by counsel or otherwise; and

It further appearing that no evidence was adduced by Taylor Broadcasting Company nor would it have been proper to receive it under the Commission's ruling in *Jesse Mae Cain*, 11 R. R. 1285, because the only issues pertaining to that applicant were of a comparative nature; and

It further appearing that the Commission in its order of June 22, 1955, has found Taylor Broadcasting Company to be legally, technically, financially and otherwise qualified but designated its application for hearing because of the mutually prohibitive interference which would be involved with the operation proposed by Garden of the Gods Broadcasting Company; and

It further appearing that the motion made by counsel for the Broadcast Bureau, which was supported by counsel for KBOL and was not opposed by Taylor Broadcasting Company, contemplates an expeditious disposition of the application now remaining in hearing; and

It further appearing that an indefinite continuance would not be advisable for administrative reasons but that a continuance to December 1, 1955, would be proper in order to permit the parties to file pleadings with the Commission which would terminate this proceeding; and the Hearing Examiner having expressed an intention to confirm his action of

¹ See Mid-Atlantic Broadcasting Company (WMID), (Docket No. 11045), Atlantic City, New Jersey, 12 RR, P. 838; Community Broadcasting Service, Inc., (WWBZ), (Docket No. 10133), Vineland, New Jersey, 11 RR, P. 1273; St. Joseph Valley Broadcasting Corporation

record granting such motion through this order;

It is ordered this 12th day of October 1955, that both of the foregoing motions are granted; that the applicant, Garden of the Gods Broadcasting Company is found to be in default and that the hearing with respect to Taylor Broadcasting Company is continued to December 1, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8426; Filed, Oct. 17, 1955;
8:50 a. m.]

[Docket No. 11516; FCC 55-1017]

ELIZABETH EVANS and W. COURTNEY
EVANS (WSUX)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Elizabeth Evans and W. Courtney Evans (WSUX), Seaford, Delaware, Docket No. 11516, File No. BMP-6870; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of October 1955;

The Commission having under consideration the above-entitled application of Elizabeth Evans and W. Courtney Evans, a partnership, for a construction permit to increase the power of Station WSUX, Seaford, Delaware (1280 kilocycles, daytime only) from 500 watts to 1 kilowatt;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the station as proposed but that operating as proposed Station WSUX may cause interference to Station WHVR, Hanover, Pennsylvania (1280 kc, 1 kw-LS, 500 w, DA-N, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 18, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that in a reply dated September 16, 1955, WHVR requested that the subject application be designated for hearing on the grounds of the above-described interference and that it be made a party to the hearing; and

It further appearing that the Commission, after consideration of the subject application and the above-described communications is of the opinion that a hearing is necessary;

It is ordered, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would gain or lose primary service if Station WSUX were permitted to operate as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station WSUX as proposed would involve objectionable interference with Station WHVR, Hanover, Pennsylvania, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and population affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced with respect to the foregoing issues, if a grant of the subject application would serve the public interest, convenience or necessity.

It is further ordered, That Radio Hanover, Inc., licensee of Station WHVR, Hanover, Pennsylvania, is made a party to the proceeding.

Released: October 13, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8427; Filed, Oct. 17, 1955;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6647]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

OCTOBER 12, 1955.

Take notice that on October 10, 1955, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Florida Power Corporation (Applicant), a corporation organized under the laws of the State of Florida and doing business in said State, with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of \$20,000,000 principal amount of unsecured promissory notes to a group of banks from which it will borrow funds. Applicant proposes to issue said notes on or after November 10, 1955, which will become due and payable on or before August 10, 1956, to the banks and in the amounts indicated below:

Guaranty Trust Co. of New York.....	\$7,800,000
The Hanover Bank.....	4,000,000
The Chase Manhattan Bank.....	2,000,000
Chemical Corn Exchange Bank.....	2,000,000
Bankers Trust Co.....	2,000,000
Irving Trust Co.....	1,000,000
The Florida National Bank at St. Petersburg.....	450,000
The First National Bank at Orlando.....	300,000
Union Trust Co., St. Petersburg.....	200,000
The First National Bank in St. Petersburg.....	200,000
Bank of Clearwater.....	50,000
Total.....	20,000,000

All as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of October 1955, file with the Fed-

eral Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8403; Filed, Oct. 17, 1955;
8:46 a. m.]

[Docket No. G-6716, etc.]

E. A. CULBERTSON ET AL.

APPLICATIONS AND DATE OF HEARING

OCTOBER 11, 1955.

In the Matter of E. A. Culbertson & Wallace W. Irwin, Docket Nos. G-6716 and G-6717; W. N. Price, Docket No. G-6744; W. N. Price, L. M. Price and G. Kelley Stout, Docket No. G-6745.

Take notice that the above designated Applicants, hereinafter referred to singly and collectively as Applicant, independent producers of natural gas in Texas and New Mexico, filed applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue to render service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

E. A. Culbertson and Wallace W. Irwin produce natural gas in New Mexico, which is sold in interstate commerce to El Paso Natural Gas Company for resale. W. N. Price produces natural gas in Texas, which is sold in interstate commerce to Shamrock Oil & Gas Corporation for resale. W. N. Price in association with L. M. Price and G. Kelley Stout produce natural gas in New Mexico which is sold in interstate commerce to El Paso Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings. Protests or petitions to intervene may be filed with the Federal Power Com-

mission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8404; Filed, Oct. 17, 1955;
8:46 a. m.]

[Docket No. G-9154]

ATLANTIC REFINING CO.
POSTPONEMENT OF HEARING

OCTOBER 11, 1955.

Upon consideration of the request of Commission Staff Counsel, filed October 11, 1955, for postponement of the hearing now scheduled for October 26, 1955, in the above-designated matter;

The abridged hearing heretofore fixed to be held on October 26, 1955 (20 F. R. 6758), is canceled and a hearing in this matter is scheduled to be held on November 17, 1955, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8405; Filed, Oct. 17, 1955;
8:46 a. m.]

[Project No. 2193]

SACRAMENTO MUNICIPAL UTILITY DISTRICT
NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

OCTOBER 12, 1955.

Public notice is hereby given that Sacramento Municipal Utility District, of Sacramento, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed waterpower Project No. 2193, to be located on the North, Middle, and South Forks of the American River in El Dorado and Placer Counties, California, and to consist of four developments: (1) Auburn Dam, to consist of a concrete gravity dam about 360 feet high located on the North Fork of American River one mile east of Auburn and about 1½ miles downstream from the confluence of the Middle Fork with the North Fork; a reservoir with gross capacity of 514,000 acre-feet at elevation 880; and a powerhouse located about 1,000 feet below the dam with installed capacity of 45,000 kilowatts; (2) Kelsey Dam, to consist of a concrete arch dam about 140 feet high located on the South Fork of American River less than a mile below the mouth of Kelsey Canyon; a reservoir with gross capacity of 18,000 acre-feet at elevation 1000; a penstock about 700 feet long, and a powerhouse located a short distance downstream from the dam with installed capacity of 12,000 kilowatts; (3) Coloma Dam, to

consist of a concrete gravity dam over 300 feet high located on the South Fork of American River 1.6 miles upstream from the mouth of Webber Creek; a reservoir with gross capacity of 511,410 acre-feet at elevation 850; and a powerhouse located about 1,000 feet downstream from the dam and having an installed capacity of 45,000 kilowatts; and (4) Salmon Falls Dam, to consist of a concrete gravity dam about 75 feet high on the South Fork of American River 0.8 mile downstream from the mouth of Webber Creek; a reservoir with gross capacity of 2,500 acre-feet; and a powerhouse located about 400 feet downstream from the dam with installed capacity of 12,000 kilowatts. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is November 18, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8406; Filed, Oct. 17, 1955;
8:46 a. m.]

[Docket No. E-6646]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

OCTOBER 11, 1955.

Take notice that on October 3, 1955, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by California Electric Power Company (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of \$10,000,000 principal amount of promissory notes, maturing by their terms prior to twelve months from date of issue, to the Bank of America National Trust and Savings Association. Applicant proposes to issue said notes on various dates during September 1955 to July 1956 in amounts varying from \$500,000 to \$1,500,000. The notes will be issued to evidence borrowings which the Applicant proposes to make from the bank and the proceeds will be used to finance the cost of additions, betterments and

improvements to Applicant's properties; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of October 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8407; Filed, Oct. 17, 1955;
8:47 a. m.]

[Docket Nos. G-6762—G-6767, G-6769—G-6774, G-6776—G-6780, G-6782, G-6784—G-6785, G-6788—G-6805]

HUMBLE OIL & REFINING CO.

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 10, 1955.

Upon consideration of the request of Counsel for Humble Oil & Refining Company, filed October 4, 1955, for postponement of the hearing now scheduled for October 31, 1955, in the above-designated matters;

The hearing now scheduled for October 31, 1955, is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8408; Filed, Oct. 17, 1955;
8:47 a. m.]

[Docket No. G-5933, etc.]

TEXAS CO. ET AL.

APPLICATIONS AND DATE OF HEARING

OCTOBER 12, 1955.

In the matters of The Texas Company, Docket No. G-5933; F. William Carr, et al., Docket No. G-6706; The Tacony Company, Docket No. G-8435.

The above-designated Applicants produce natural gas from gas fields in Texas and Mississippi and each proposes to sell natural gas so produced to United Gas Pipe Line Company for transportation in interstate commerce for resale under contracts and at prices indicated in applications filed pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing each Applicant to render the proposed service described, subject to the jurisdiction of the Commission, all as more fully represented in each application on file with the Commission and open for public inspection.

The pertinent data reflected in each application are set forth below:

Docket No.	Date filed	Applicant	Location of field
G-5933	Nov. 26, 1954	The Texas Co.	McFaddin Field, Victoria County, Tex.
G-6706	Nov. 30, 1954	F. William Carr, et al.	Weasatche Field, Goliad County, Tex.
G-8435	Feb. 4, 1955	The Tacony Co.	Pistol Ridge Field, Forrest County, Miss.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 22, 1955, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8430; Filed, Oct. 17, 1955;
8:52 a. m.]

[Docket No. G-9126, etc.]

CITIES SERVICE GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

OCTOBER 12, 1955.

In the matters of Cities Service Gas Company, Docket No. G-9126; Falcon Seaboard Drilling Company, et al., Docket G-9121; Buffalo Oil Company, Docket No. G-9127; Davon Oil and Gas Company, et al., Docket No. G-9128.

Take notice that (1) Cities Service Gas Company (Cities Service), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application in Docket No. G-9126 on July 11, 1955, (2) Falcon Seaboard Drilling Company (Falcon Seaboard), a Delaware Corporation with a principal office in Tulsa, Oklahoma, as operator, and for Harold B. Ward and C. W. Lane, filed an application in Docket No. G-9121 on July 11, 1955, (3) Davon Oil and Gas Company (Davon Oil), a partnership consisting of E. Julian Davis, Aaron Weitzenhoffer, H. W. O'Keefe and William T. Morrison, Jr., with a principal office in Oklahoma City, Oklahoma, as operator and for Anchor Petroleum Company and Manhattan Construction Company, filed an application in Docket No. G-9128, on July 11, 1955, and (4)

Buffalo Oil Company (Buffalo Oil), a Maryland corporation, with a principal Office in Tulsa, Oklahoma, filed an application in Docket No. G-9127, all for certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing (a) Cities Service to construct and operate approximately 7 miles of 6 $\frac{3}{4}$ -inch pipe line beginning at a point of connection with an existing 20-inch pipe line in the Northwest Quarter of Section 35, Township 18 North, Range 2 West, and extending West to a point of connection with a proposed gathering system in the Southwest Quarter of Section 3, Township 17 North Range 3 West, Logan County, Oklahoma, together with a meter setting and appropriate appurtenances thereto, and (b) Falcon Seaboard, Davon Oil, and Buffalo Oil respectively to make sales of natural gas in interstate commerce to Cities Service for resale, all subject to the jurisdiction of the Commission, and as more fully described in the applications referred to hereinabove, on file with the Commission, and open for public inspection.

Cities Service proposes by means of the proposed described facilities to take natural gas from the West Lawrie Field, Logan County, Oklahoma, proposed to be produced by Buffalo Oil and Falcon Seaboard, and to be sold in interstate commerce to Cities Service for resale; and to take natural gas proposed to be produced by Davon Oil and Gas Company, Anchor Petroleum Company and Manhattan Construction Company, and to be sold in interstate commerce to Cities Service for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on December 5, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it

will be unnecessary for applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8431; Filed, Oct. 17, 1955;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3411]

NEW ENGLAND ELECTRIC SYSTEM AND
SOUTHERN BERKSHIRE POWER & ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF
COMMON STOCK BY SUBSIDIARY PURSUANT TO RIGHTS OFFERING, AND ACQUISITION OF COMMON STOCK OF SUBSIDIARY BY PARENT

OCTOBER 12, 1955.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary Southern Berkshire Power & Electric Company ("Southern Berkshire") have filed a joint application and amendments thereto pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions:

Southern Berkshire, which presently has outstanding 30,368 shares of capital stock (par value \$25 per share), proposes to issue and sell for cash 15,184 additional shares, which will be offered to its stockholders at the par value of \$25 per share, on the basis of one new share for each two shares held. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 15 days. Full shares only will be issued.

NEES, which now owns 27,928 shares (91.965 percent) of Southern Berkshire's capital stock, proposes to exercise its rights to subscribe for 13,964 additional shares to which it will be entitled, and to purchase all unsubscribed shares offered to the minority stockholders.

NEES will also offer to purchase from the minority stockholders, at a price of \$25 per share and for a period of sixty days following the date of the initial offer of additional capital stock by Southern Berkshire, their present holdings of Southern Berkshire's capital stock and any shares which they may acquire pursuant to said rights offering. New England Gas and Electric Association, an exempt holding company, which holds 2,256 of the 2,440 minority shares outstanding in the hands of the public, has agreed to sell such shares to NEES at the price of \$25 per share.

NEES will use treasury funds for its proposed acquisitions. The proceeds from the sale of the additional capital stock, amounting to \$379,600, will be used by Southern Berkshire to apply on its outstanding note indebtedness to NEES.

Southern Berkshire and NEES desire to consummate the proposed transactions in order to finance permanently a portion of the capitalizable additions to Southern Berkshire's plant through the issuance of equity securities. NEES also

desires to invest funds not otherwise required in its business in acquiring the minority interest in Southern Berkshire.

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which Southern Berkshire is organized and doing business, has approved the issuance and sale of the new shares by Southern Berkshire and the sale of any unsubscribed shares to NEES at the price of \$25 per share.

Due notice having been given of the filing of said amended application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the amended application be granted, effective forthwith:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-8410; Filed, Oct. 17, 1955;
8:47 a. m.]

[File No. 812-960]

INTERAMERICAN CAPITAL CORP.

APPLICATION FOR ORDER EXEMPTING ACQUISITION OF SECURITIES OF AN INVESTMENT COMPANY

OCTOBER 12, 1955.

Notice is hereby given that Interamerican Capital Corporation ("Applicant"), a corporation organized under the laws of the Republic of Panama, has made application to the Securities and Exchange Commission for an order pursuant to section 6 (c) of the Investment Company Act of 1940 ("Act") exempting from the provisions of section 12 (d) of the Act a proposed investment in securities of Applicant by the Pennroad Corporation ("Pennroad") a registered investment company.

The application makes the following representations:

Applicant was formed on September 15, 1955, for the purpose of making investments in Latin American enterprises. The proposal for the organization of Applicant developed out of the Inter-American Investment Conference held at New Orleans in March of 1955. One of the purposes of that meeting was to stimulate private investment in Latin America and thereby to contribute to the development of that area.

It is expected that Applicant will provide private capital to take participations in new or existing industrial enterprises in the Western Hemisphere of a type not eligible generally for investments or loans by the International Bank or the Export Import Bank.

Applicant has an authorized capitalization consisting of 100,000 shares of convertible preferred stock of the par value of \$25 per share and 2,500,000 shares of common stock of the par value of 10 cents per share. The Board of Directors has authorized, in addition, issuance of \$5,000,000, principal amount of 3 percent convertible cumulative income debentures. The preferred stock, (taken at \$50 per share), is convertible into common stock at \$7 per share of common stock. The principal amount of each debenture will be convertible into common stock at \$8 per share of common stock. Such conversion prices are, and will be, subject to adjustment in case of dilution.

The income debentures, convertible preferred stock and 750,000 shares of the common stock are proposed to be sold as five thousand units, each consisting of one \$1,000 debenture, twenty shares of preferred stock and 150 shares of common stock. The proposed price per unit is \$2,015, the debenture being included at 100 percent of its principal amount, the preferred stock at \$50 per share and the common stock at 10 cents per share. Not more than 80,000 shares of common stock are to be reserved for issuance on exercise of options which may be granted in connection with a proposed management contract. Such options are limited to the purchase, in the aggregate, of not more than 9 percent of the number of shares outstanding at any given time.

It is proposed to arrange for the sale of the five thousand units to a limited group of investors. Such group of investors will not exceed 90 investment firms and their partners and officers and other corporate and individual investors of substantial means. Each purchaser will confirm in writing that the purchases were made for investment and not with a view to public distribution.

As a first step in the financing of Applicant, Pennroad has subscribed to twenty units at a selling price of \$40,300 and Time, Inc. ("Time"), has entered into a similar commitment, subject to the investment by Pennroad. Neither Time nor Pennroad will make a total investment in Applicant of more than \$503,750, consisting of 250 of the above units. Hence, at the completion of the financing program of Applicant outlined above, neither Pennroad's nor Time's total investment in Applicant will be in excess of 5% of Applicant's total outstanding capitalization of \$10,075,000. It is intended to restrict the offering of Applicants securities so that no other individual or business organization will own 10 per centum or more of the outstanding voting securities of the Appli-

cant at any one time (except to the extent that such ownership might be acquired through exercise of conversion rights by one or a small number of security holders).

Section 12 (d) (1) of the Act, among other things, makes it unlawful for any registered investment company to purchase or otherwise acquire any security issued by any other investment company if such registered investment company and any company controlled by it own in the aggregate, or as a result of such purchase will own, more than 5% of the total outstanding stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries.

The investment by Pennroad is prohibited by section 12 (d) of the act only to the extent that applicant falls within the definition of an investment company in section 3 of the act. Applicant would satisfy the provisions of section 3 (c) (1), and hence would not be an investment company, except that Time and Pennroad, both publicly held corporations, will own more than 10% of the outstanding voting securities of the applicant in the early stages of the financing program.

Applicant seeks the exemption order herein applied for in order to permit the proposed investment by Pennroad up to the maximum of \$503,750.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than October 24, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-8411; Filed, Oct. 17, 1955;
8:47 a. m.]

